

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MARCAL FRACTION, :

Petitioner : CASE NO. 3:14-CR-305

v. : (MANNION, D.J.)

UNITED STATES OF AMERICA, :

Respondent :

**ORDER**

For the reasons set forth in the Memorandum of this date, IT IS  
**HEREBY ORDERED THAT:**

1. Petitioner Fraction's [28 U.S.C. §2255](#) motion to vacate, set aside or correct sentence, (Doc. [540](#)), is **DENIED**.
2. The petitioner is not entitled to an evidentiary hearing.
3. There is no probable cause to issue a certificate of appealability.
4. Petitioner Fraction's request for relief in his Doc. [533](#) letter for appointment of counsel is **DENIED**.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Dated: September 29, 2017**